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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Seventh periodic reports of States parties due in 1996

Addendum

Cambodia*

[4 February 1997]

* This document contains the second, third, fourth, fifth, sixth and seventh periodic reports of Cambodia, due on 28 December 1986, 1988, 1990, 1992, 1994 and 1996 respectively.

The annexes and reference documentation provided by the Government of Cambodia may be consulted by the members of the Committee in the secretariat's files.

For the initial report of Cambodia and the summary records of the meetings at which it was considered see CERD/C/111/Add.4 and CERD/C/SR.780 and 802.

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I. GENERAL

1. The Royal Government, which took office following the 1993 general elections, has spared no effort to ensure respect for multi-party liberal democracy and the fundamental rights and freedoms of the Kingdom's inhabitants.

2. There have undeniably been numerous violations of human rights in the last two years. However, in a country which has been in the grip of war for more than two decades, it is impossible to restore order and scrupulous respect for the law and human rights in so short a period. During the first half of its period of office, the Royal Government has made appreciable and continuing progress, despite the economic difficulties and political circumstances it has to face in order to preserve Cambodia's stability.

3. The Royal Government's constant concern is rapidly to transform Cambodia into a State genuinely subject to the rule of law. It is keenly aware of the need to respect human rights as defined by the Charter of the United Nations, the Universal Declaration of Human Rights, the Covenants and the conventions on the rights of women and the child to which Cambodia is a party.

4. Since the end of 1993, the Royal Government, acting through the Ministry of Justice, has requested the assistance of the United Nations Centre for Human Rights in establishing the human rights dissemination and education programme for Cambodian officials. Its request was acceded to in mid-1995. The Centre for Human Rights sent specialists to a number of provinces, where the courts made offices available to them at the behest of the Ministry of Justice. At the same time, the Ministry of Justice encouraged non-governmental organizations (NGOs) to conduct public information campaigns and courses, and to detect and report human rights violations to the Ministries of the Interior, Defence and Justice in order that they might take appropriate measures.

5. Throughout Cambodia's history there has never been any discrimination in society. However, a number of ethnic minorities never accepted French colonial rule (1863-1953), particularly those living on the high plateaux of Ratanakiri and Mondolkiri, where they continue to live in their traditional manner, practising slash-and-burn agriculture, without clinics or schools and in complete isolation. Following independence in 1953, the Royal Government brought all the ethnic minorities into the fold of the national community by teaching them to cultivate rice on the plains, to dress, to send their children to school, etc. At the time, the King of Cambodia, His Majesty King Norodom Sihanouk, took the chiefs of the ethnic minorities with him in his plane to visit Angkor, in order to show them that they were fully-fledged citizens of Cambodia, whose valuable ancient monuments epitomize their common civilization and motherland.

6. Since then, all the national minorities have been living in harmony within the national community. The State recognizes them as citizens of Cambodia, on an equal footing with the Khmer who make up the majority of the population and who are subdivided into the Loeu Khmer (i.e. Khmer of the high plateaux of Ratanakiri, Mondolkiri, Stung Treng, Preah Viheir and Pursat), the Krom Khmer (i.e. Khmer living on their territory which was ceded by the French

colonialists to Viet Nam and bordering on Kompong Cham, Prey Veng, Svay Rieng, Kandal, Takeo and Kampot) and the Islamic Khmer (i.e. Khmer of the Islamic faith).

7. The Cambodian Constitution of 1947 and those which followed, with the exception of the Constitution of Democratic Kampuchea, have recognized and protected the fundamental rights and freedoms of citizens, and in particular the equal rights of men and women. However, under the regime of Democratic Kampuchea (1975-1979), Cambodia's population was divided into two classes: the poor and exploited, and the rich who held power and exploited the poor. The population was also divided between the grass-roots rural population and the displaced urban population. The first group, who were considered to have supported and assisted the revolution, ate its fill. The second group, i.e. the population consigned to the care of the inhabitants of the villages - the grass-roots communes, were compelled to perform arduous, superhuman tasks and given neither enough to eat nor any medical treatment, and died of starvation, disease or violence. Despite this ill-treatment, after their liberation from the yoke of the Khmer Rouge, the city-dwellers feel no bitterness towards the rural inhabitants. Relations between them are normal, as if nothing had happened.

8. Since acceding to the International Convention on the Elimination of All Forms of Racial Discrimination on 9 November 1983, the Government of Cambodia, like previous regimes, with the exception of that of Democratic Kampuchea, has essentially been concerned with the problem of national union, national unity and equality.

9. The 1983 Constitution, and more particularly the 1989 Constitution, stipulate in article 5:

> "The State shall pursue a policy of national unity and equality among all ethnic groups living within the Cambodian national community.
>
> All ethnic groups shall love each other and render each other mutual assistance. Any act of disrespect, oppression and division among ethnic groups shall be prohibited. The language, writing, morality and customs of the ethnic minorities shall be respected. All ethnic minorities shall be entitled to support from the State to attain the common standard. The State shall particularly foster the development of the economy, teaching, culture, welfare, health and communications in mountainous and remote regions."

10. In 1988, the Government of Cambodia established a committee known as the Committee for the Consolidation and Development of the Regions of the North-East, Ratanakiri and Mondolkiri. The Committee is chaired by a representative of the Ratanakiri ethnic minorities.

11. There has been some development in Ratanakiri and Mondolkiri. Virtually all the inhabitants of Ratanakiri now wear clothes and send their children to school. Most of them work in the administration as teachers, policemen, members of the armed forces, judges (President of the Ratanakiri court). Ratanakiri has electricity, markets, schools, hospitals and a court. Every two days there is a commercial air link between Phnom Penh, Stung Treng, Ratanakiri and Mondolkiri.

12. The ethnic minorities in the other provinces live among the rest of the population and consequently enjoy a standard of living similar to that of the majority. The 120 members of the National Assembly include six representatives of the ethnic minorities, one of them is a minister in the Royal Government.

13. The ethnic minorities comprise 17 tribes:

Name of ethnic minority	Number of families	Number of individuals	Provinces
Krung	1 381	7 855	Stung Treng, Ratanakiri, Preah Vihear
Tumpoun	3 767	15 861	Stung Treng, Ratanakiri, Preah Vihear
Kavet	760	3 585	Stung Treng, Ratanakiri
Prao	441	2 585	Stung Treng, Ratanakiri, Preah Vihear
Phnong	944	5 323	Stung Treng, Ratanakiri, Kratie, Kompong Cham
Kuoy	2 522	14 186	Stung Treng, Preah Vihear, Kratie
Pear	241	1 400	Pursat, Preah Vihear
Javanese	11	95	Pursat
Charai	1 475	11 542	Stung Treng, Ratanakiri
Tachat	01	06	Preah Vihear
Saauch	18	72	Sihanoukville
Thmon	84	453	Kratie
Robel	321	1 640	Kratie
Kroy	350	1 962	Kratie
Stieng	590	3 234	Kratie
Lamom	56	280	Stung Treng
Islamic Khmer	37 604	203 881	Phnom Penh, along the river and in some other provinces
Total	50 566	273 999	

(Statistics: Ministry of the Interior, first quarter 1995).

14. Article 1 of the new 1993 Constitution established Cambodia's political position: "The Kingdom of Cambodia is a neutral, non-aligned State". This neutral position also implies that there is no racial discrimination.

15. The new Constitution deals with the question of the observance and protection of fundamental rights and freedoms of citizens in greater detail than previous constitutions and prohibits racial discrimination. For example, article 31 states:

> "The Kingdom of Cambodia recognizes and respects human rights as defined in the Charter of the United Nations, in the Universal Declaration of Human Rights, and in all treaties and conventions concerning human rights, including the rights of women and children.
>
> Khmer citizens are equal before the law, enjoy the same rights and freedoms, and have the same duties without distinction on grounds of race, colour, sex, language, religious belief, political opinion, national origin, social position, wealth or other status."
>
> "Article 65. The State shall protect and uphold the right of citizens to a high standard of education at all levels and shall gradually take all necessary measures to ensure that such an education is available to all citizens."
>
> "Article 66. The State shall establish a comprehensive, standardized system of education throughout the country in order to guarantee the principle of educational freedom and equality for all and ensure that all citizens have equal educational opportunities."
>
> "Article 69. The State shall provide primary and secondary education free of charge for all citizens.
>
> Citizens shall receive an education for at least nine years."

16. The courts play a very important role in guaranteeing the rights of all citizens without discrimination. In Cambodia there is a court of first instance in each of the 21 provinces and towns, a Court of Appeal whose jurisdiction extends throughout the whole country and the Supreme Court. The two latter courts have their seat in Phnom Penh.

17. There is a judicial police force in each commune. Its role is to record offences, collect evidence, identify criminals, compile files and transmit them to the courts, and assist in enforcing court decisions.

18. In 1993, the National Assembly established the Commission on Human Rights and Receipt of Complaints, whose task is to identify human rights violations, receive complaints from victims and transmit them to the competent authorities for appropriate action. At the same time, 30 or so national and international NGOs have been authorized to engage in activities designed to assist citizens in developing an awareness of their legitimate rights and exercising them properly in their daily life.

19. Since 1950, Cambodia has ratified the following covenants and conventions:

(a) Convention on the Prevention and Punishment of the Crime of Genocide (15 October 1950);

(b) International Convention on the Elimination of All Forms of Racial Discrimination (28 November 1982);

(c) International Covenant on Economic, Social and Cultural Rights (26 May 1992);

(d) International Covenant on Civil and Political Rights (26 May 1992);

(e) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (15 October 1992);

(f) Convention on the Elimination of All Forms of Discrimination Against Women (15 October 1992);

(g) Convention on the Rights of the Child (15 October 1992);

(h) Convention relating to the Status of Refugees and the 1967 Protocol (15 October 1992).

These covenants and conventions may not be directly invoked before the courts or administrative authorities. However, they provide a basis for the development of national legislation, such as that pertaining to the observance and protection of human rights, and the prohibition of all forms of racial discrimination against ethnic minorities and foreign nationals living in Cambodia.

20. According to statistics provided by the Ministry of the Interior, Cambodia's foreign population is as follows:

National groups	Number of families	Number of individuals	Males	Aged over 18	Males
Chinese	8 393	47 180	22 672	26 577	12 334
Vietnamese	17 099	98 590	48 920	51 006	25 259
Lao	3 856	19 819	8 936	9 301	4 077
Thai	453	2 454	1 251	1 262	567
Other foreigners	69	1 532	384	507	371
Total	29 870	169 575	82 163	88 653	42 608

Among these foreigners, Vietnamese nationals may be considered a special case as Cambodia has had a long and bitter relationship with Viet Nam. The suffering and hatred caused by the acts of the leaders of Cambodia's neighbour are deeply embedded in the hearts and minds of Cambodian citizens. However, Cambodians have never discriminated against Vietnamese nationals living in Cambodia.

21. The incidents that have occurred during and following the presence of the United Nations Transitional Authority in Cambodia (UNTAC) were attributable to the Khmer Rouge. These acts are denounced and severely punished by the Royal Government and the law.

22. Vietnamese nationals like to live in groups and do not mingle with Cambodians. They live along river banks as most of them are fishermen. They mix very little with Cambodians and do not intermarry with them. Their way of life (grouped together on their boats and concentrated along river banks) was favourable for the Khmer Rouge, who committed massacres and terrorized them in order to drive them back to Viet Nam. For example:

(a) On 10 March 1993, the Khmer Rouge opened fire on Vietnamese nationals at Siem Reap, killing some of them and wounding 24;

(b) In July-August 1993, they opened fire on Vietnamese fishermen at Kg. Chhnang, killing 18 and wounding others;

(c) On 9 May 1994, they opened fire and launched a grenade attack on Vietnamese nationals at Peam So, Srok de Saang and Khet de Kandal, killing 13 and wounding 24.

23. The Royal Government vigorously condemned these crimes and ordered the arrest of the culprits. However, the results have not been satisfactory as after their crime the murderers returned to the area under their control.

24. The Royal Government firmly condemns these acts of racial discrimination. The culprits will be severely punished when they are arrested.

25. The Chinese are the second most numerous group after the Vietnamese. Further to the statistics provided above, the Ministry of the Interior has reported that approximately 20,000 new Chinese from mainland China entered Cambodia during the first half of 1995. As a result, the number of Chinese nationals currently living in Cambodia is 67,180.

26. The Chinese have also constituted a special case subsequent to the period 1970-1979, as the Peking Government fomented the revolutionary movement, and supported its efforts to take power and to massacre almost 3 million Cambodians, to destroy the social structure and to force Cambodian society back into a period of slavery. The Cambodian people will never be able to forget this tragedy. However, its hatred is directed against the Chinese leaders, and not the Chinese people. Since 1979 there have been no acts of racial discrimination against Chinese nationals living in Cambodia.

27. The Royal Government of Cambodia considers the international covenants and conventions it has signed as guidelines for the implementation of its policy of achieving equality for all before the law in all spheres, as provided for by the Universal Declaration of Human Rights and article 15 of the Paris Agreement of 23 October 1991. In practice, Cambodia grants the provisions of international conventions precedence over domestic legislation, i.e. they provide a foundation for developing laws and regulations. Accordingly, in performing their respective tasks, courts and administrative authorities at all levels refer to them in the absence of national legislation.

28. According to the economic and social survey (October 1993-1994), Cambodia has a population of 9.9 million, comprising several ethnic groups, among whom the Khmer form a majority (9,303,172). Each group preserves its own language, religion and customs. However, the official spoken and written language is Khmer.

29. According to the Ministry of the Interior, a total of 31,457 Vietnamese, 15,644 Chinese and 625 persons of other nationalities are registered as living in the city of Phnom Penh. The number of foreigners who have been arrested and returned to their country of origin for having unlawfully entered Cambodia is 709, of 18 different nationalities.

30. The Chinese and Vietnamese are the most numerous among the foreigners living in Cambodia. The Chinese like to live in the large cities and towns since they engage in trade. They have closer links with Cambodians, and most of them have intermarried with Cambodians. They are among the better off.

31. Despite their different ways of life, all Cambodia's inhabitants enjoy the same rights and freedoms without distinction on grounds of race. Despite their good relations with Cambodians, the Chinese enjoy no special privileges.

32. Cambodia makes no distinction on grounds of race, colour or racial or national origin against or in favour of any ethnic group.

33. Among the components of Cambodia's population, the Vietnamese face most problems and attract most attention from national and international public opinion, the reason being that they are unlawfully entering Cambodia in increasing numbers. However, this problem was discussed by the Royal Government of Cambodia and the Government of Viet Nam in talks held from 15 to 17 January 1995 in the Socialist Republic of Viet Nam. During the discussions, the Cambodian representatives explained to their counterparts the substance of Cambodia's Immigration Act which applies to all foreigners living in Cambodia, and declared that they had no intention of grouping or carrying out a mass expulsion of Vietnamese or any other foreigners. Cambodia's aim is to ensure the security of both Vietnamese and other foreigners living in Cambodia by every means compatible with the international conventions and national legislation and in accordance with its possibilities. Cambodia is willing to settle the problem of the Vietnamese nationals at Chrey Thom and that of the Cambodian refugees in Viet Nam as quickly as possible.

34. The following examples illustrate the implementation of the principle of non-discrimination on racial grounds:

(a) Within the legislature, there are 6 representatives of the ethnic minorities among the 120 members of the National Assembly;

(b) Within the executive branch, one representative of the ethnic minorities is a minister in the Royal Government;

(c) Within the judiciary, one judge is a member of an ethnic minority (the President of the Ratanakiri court).

In addition, there are numerous representatives of the ethnic minorities at all levels of the various branches of the administration. However, no precise figures are available.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

35. Both before and after the general elections held from 23 to 28 May 1993 under the auspices of UNTAC, Cambodia has constantly pursued a policy of non-discrimination, preserving close relations between the different ethnic groups making up the Cambodian community.

36. Before the 1993 elections the Government of Cambodia strictly applied the 1983 and 1989 Constitutions, which stipulated:

> "The State shall pursue a policy of national unity and equality among all ethnic groups living within the Cambodian national community.
>
> All ethnic groups shall love each other and render each other mutual assistance. Any act of disrespect, oppression and division among ethnic groups shall be prohibited. The language, writing, morality and customs of the ethnic minorities shall be respected. All ethnic minorities shall be entitled to support from the State to attain the common standard. The State shall particularly foster the development of the economy, teaching, culture, welfare, health and communications in mountainous and remote regions" (art. 5).

37. Following the 1993 elections, the new Constitution has continued to preserve and protect people from racial discrimination. Article 31 states: "Citizens are equal before the law, enjoy the same rights and freedoms and have the same duties without distinction on grounds of race, colour, sex, language, religious belief, political opinions, national origin, social position, wealth or other status."

Paragraph 1: Punishment of racial discrimination

38. In conformity with the Constitution and the International Convention on the Elimination of All Forms of Racial Discrimination, incitement to discrimination is punishable under the Transitional Criminal Act.

39. The Constitution of the Kingdom of Cambodia proscribes racial discrimination:

(a) Article 31 recognizes the equality of all before the law;

(b) Article 38 guarantees the inviolability of the person, life, honour and dignity of citizens, and also recognizes the right of citizens to defend themselves before the courts on equal terms;

(c) Article 61 of the Transitional Criminal Act prohibits and punishes incitement to discrimination.

40. These juridical principles are applied throughout the Kingdom. All State bodies, social organizations, companies and individuals are required to comply with these prohibitions of racial discrimination. If a violation occurs, the culprit, even if he is a member of the Royal Government, is punished in conformity with the law. Article 107 of the 1993 Constitution stipulates: "The members of the Royal Government shall be punished for any offences they commit during the performance of their duties".

41. The courts, in particular, observe these principles of law. Trials involving members of the ethnic minorities or foreign nationals are heard impartially. The courts base themselves exclusively on the law and have even proved indulgent towards culprits in these categories.

42. A border dispute broke out recently between the Kingdom of Cambodia and the Socialist Republic of Viet Nam. The Royal Government of Cambodia has endeavoured and is still endeavouring to resolve it. The problem arose after the adoption of the Immigration Act by the Cambodian National Assembly. The Royal Government explained to the Government of Viet Nam that the purpose of the Act was to administer all the inhabitants of Cambodia, which is a sovereign State ruled by law, and not to persecute Vietnamese nationals. Proof of this is the fact that of the 406 Vietnamese families who have applied to settle in Cambodia, 372 with residence permits issued under the regime of the State of Cambodia have been accepted and allowed to return to settle in Cambodia.

43. Despite the January 1996 border dispute between Cambodia and Viet Nam over the frontier provinces of Kg. Cham, Prey Veng, Svay Rieng, Kandal and Takeo, the Cambodian people have never practised discrimination against or interfered with the lives or occupations of Vietnamese, even those living in the disputed area. The people are confident that the Royal Government can resolve the frontier problem by lawful means.

44. The acts of discrimination against Vietnamese nationals referred to above were committed by Khmer Rouge in response to a hate message broadcast by their radio (see para. 22). The Royal Government of Cambodia vigorously condemned the crimes and ordered the murderers to be apprehended and brought before the courts. However, the investigation has been fruitless because the unidentified criminals returned to the maquis after their crime.

45. After the shooting incident at the Vietnamese-inhabited village of Peam So in Saang district, Kandal province, on 16 January 1995, the

authorities responsible for the investigation arrested a suspect who admitted that he had been a Khmer Rouge soldier and had been one of the culprits. However, he had deserted from the Khmer Rouge and been serving in the national armed forces since 25 December 1994. Under the Law on the Outlawing of the "Democratic Kampuchea" Group, which amnestied all Khmer Rouge who gave themselves up within six months of its entry into force, he was granted immunity from prosecution and the case against him was dismissed by the court in Kandal on 3 February 1995.

46. Article 31 of the 1993 Constitution acknowledges and is in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination. Article 139 of the Constitution stipulates:

> "Any act or provision guaranteeing the interests, rights, liberty and legitimate assets of individuals, and which is in conformity with the national interests, with the exception of provisions contrary to the spirit of the present Constitution, shall remain in force until the adoption of new legislation amending or abrogating it."

In accordance with articles 31 and 139 of the Constitution, any provision of a normative act that fails to guarantee the rights and equality of citizens will be void.

47. Article 122 of the 1993 Constitution empowers the Constitutional Council to determine the constitutionality of legislation already promulgated. Article 123 stipulates that "any provision of any article that the Constitution Council deems contrary to the Constitution may not be promulgated or may no longer be enforced". In practice, the Constitutional Council is not yet operating because, of its nine members, three have to be appointed by the Supreme Council of Justice, which has itself not yet been established. As a result, the constitutionality of all laws promulgated and implemented has not yet been tested.

48. Although there is no law dealing in detail with the prohibition of racial discrimination, article 61 of the Transitional Criminal Act establishes penalties for incitement to racial hatred. The Royal Government has adopted a long succession of measures to deal with the racial discrimination practised by the Khmer Rouge rebels by legal means, through negotiation and ultimately by force if peaceful means fail.

49. In conformity with the principles of the Convention, the Royal Government does not permit the practice of racial discrimination on Cambodian territory. It has not considered the Cambodian race as superior to others or fostered hatred against them.

50. Article 1 of the 1993 Constitution stipulates: "Cambodia is a Kingdom in which the King performs his functions in conformity with the Constitution and the principle of pluralist liberal democracy". Article 42, paragraph 1, stipulates: "Citizens have the right to establish associations and political parties. This right is regulated by law." In the spirit of these two articles, Cambodia recognizes the existence of a variety of organizations and movements engaging in activities for the benefit of democracy and society as a whole.

51. Cambodia has not yet adopted any legislation relating to the establishment of associations. However, since the 1993 general elections a total of 182 extremely active associations have been set up. They include the Chinese Association, the Islamic Khmer Association, the Krom Khmer Association, the Vietnamese Association and the Loeu Khmer Minorities Association.

52. The Royal Government is encouraging these associations to undertake activities aimed at guaranteeing and protecting the interests of their respective groups. To direct their activities, the Ministry of the Interior has asked them to deposit the files relating to their founding (letter No. 412 of 11 June 1994), together with the report on their objectives (letter No. 486 of 11 June 1994). To date, however, only 104 associations have deposited files on their constitution and obtained permission to pursue their activities. The 78 others, including the Vietnamese Association have not responded to the Ministry's request. They are nonetheless continuing to engage in their activities

53. Even though there is no racial discrimination in Cambodia - no reference being made to the practices of the Khmer Rouge, the Royal Government has established penalties intended to eliminate racial discrimination in Cambodia.

54. The Ministry of Justice is currently preparing the draft Criminal Code and Code of Criminal Procedure, which deal with the prevention and punishment of racial discrimination and the procedure to be followed by the courts in applying the principle of the equality of all before the law.

55. The composition of the Supreme Council of Justice has already been submitted to the King for signature; once approved, it will lead to the setting-up and functioning of the Constitutional Council, which will monitor the conformity of laws with the Constitution - the best guarantee against racial discrimination.

56. The Royal Government is preventing the Khmer Rouge from practising racial discrimination by using armed force and by encouraging discussion within their ranks and among the people themselves in order to prevent them from being deceived by propaganda and incitement.

Paragraph 2: The development of ethnic groups

57. All ethnic groups in Cambodia have the same rights and freedoms, are all equal and have all experienced the same development, except for the ethnic minorities of the high plateaux, who still lag behind in all areas. The Royal Government pays particular attention to the economic, educational and social development of those minorities by granting them priority in all areas so that they can attain the same level of development as the rest of society.

58. In cooperation with the Royal Government, NGOs are also involved with the development of the Loeu Khmer ethnic minorities. On 29 and 30 October 1995, for example, an NGO held a seminar on the development of the north-east, a region inhabited by the ethnic minorities of the high plateaux.

59. Despite the Government's efforts, the results have not yet been satisfactory because of the shortage of funds. To fill this gap, it has taken the following steps:

(a) It has called on foreign investors to develop this huge, fertile region, which is very suitable for industrial crops, such as hevea;

(b) It has asked the Ministry of Education to organize a special education system for the ethic minorities in order to teach them appropriate skills.

Article 3

60. In conformity with article 3 of the Convention, Cambodia respects and guarantees to all the rights stipulated therein, and also in chapter 3 of the Constitution.

61. Cambodia does not permit non-observance of the right to self-determination or racial distinction or discrimination on its territory. It has consistently supported the struggle of the Palestinian people and warmly welcomes the agreements signed in Washington. It has established diplomatic relations with Palestine, whose ambassador presented his credentials to the Cambodian Head of State on 17 February 1991. Cambodia also received the credentials of the ambassador of Israel on 9 February 1994.

62. In accordance with the spirit of the United Nations in proclaiming the International Day of Solidarity with the Palestinian People, on 29 November 1995 Samdech Preah Norodom Sihanouk, King of Cambodia, Samdech Krom Preah Norodom Ranariddh, First Prime Minister, and Samdech Hun Sen, Second Prime Minister, sent a message of congratulations.

63. Cambodia also concerned itself with the problem of apartheid in South Africa. It never had official or unofficial relations with the South African government. However, it always condemned racist policy, until its complete elimination and the creation of a democratic and unified society. The Royal Government of Cambodia expressed its solidarity with the citizens of South Africa by sending an observer to attend the presidential elections of 25-28 April 1994. His Majesty King Norodom Sihanouk gave his agreement in principle to the declaration on diplomatic relations between the Kingdom of Cambodia and the Republic of South Africa.

Article 4

64. Cambodia recognizes the rights and freedoms of its citizens, as proclaimed in article 41 of the 1993 Constitution: "Every citizen is free to express his personal opinion, and enjoys freedom of the press, publication and assembly." These freedoms are, however, restricted by law. Consequently, any campaign for or incitement to racial discrimination is prohibited. For more than two years, the Royal Government has been concentrating on the problem of national reunification in order to preserve national unity and peace and rebuild the country.

65. Although there is no law specifically prohibiting racial discrimination, the State bases itself on article 61 of the Transitional Criminal Act punishing incitement to racial discrimination in order to prevent any racial discrimination or racial hatred.

Punishment of all forms of incitement to racial discrimination

66. The 1982 Constitution grants citizens freedom of speech, publication, printing and assembly, in conformity with the party's political line. Although there is no law on racial discrimination, perpetrators of such discriminaiton do not escape punishment, as discrimination manifests itself in the form of homicide, damage to the property of others, etc. for which penalties are established by Decree-Law No. 2 of 15 May 1980.

67. Anyone resorting to violence in order to promote racial discrimination is punishable under article 7 of Decree-Law No. 2 of 15 May 1980, which stipulates:

> "(a) Any person who commits homicide, by whatever means, shall be liable to 10-12 years' imprisonment;
>
> (b) Any person who wilfully injures another person shall be liable to imprisonment for six months to five years. If the injuries are serious, a penalty of up to 10 years' imprisonment may be imposed."

68. Any person who damages the property of others with the aim of inciting racial discrimination is punishable under article 8 of the same decree-law, which states:

> "Any person who damages the property of individuals through looting, theft, extortion, fraud, improper expropriation or destruction shall be liable to imprisonment for six months to seven years. In serious cases, a sentence of imprisonment for 8 to 15 years shall be pronounced."

69. In practice, no racial discrimination has ever manifested itself. In other words, there have never been any prosecutions for racial discrimination on the basis of this Decree-Law.

70. Freedom of expression, particularly freedom of the press, has been guaranteed and protected since 1992. Many newspapers have been founded, in the national and foreign languages. Freedom of the press is enshrined in law. Article 6 of the 1995 Press Act stipulates that "Journalists have the right to form their own associations".

71. The journalists' association is required to draw up its own code of conduct in accordance with the law, and journalists have to adhere to it. The code of conduct should prohibit any publication inciting racial discrimination, as prescribed in article 7 of the 1995 Press Act: "To avoid any publication inciting discrimination on grounds of race, colour, sex, language, religion, political opinion or affiliation, national origin, social status, wealth or other status."

72. Any person found guilty of issuing a publication intended to incite racial discrimination and liable to jeopardize public order, national security, political stability or morality may be fined under the 1995 Press Act:

> "If it jeopardizes public order, it is subject to a fine of 1 to 5 million riels" (art. 11);
>
> "If it jeopardizes national security and public stability, the fine shall be 5 to 15 million riels" (art. 12);
>
> "If it jeopardizes morality, the fine shall be 1 to 5 million riels" (art. 14).

73. The employer, editor-in-chief or author of the article is responsible for publication. If the publication directly incites one or more persons to commit an offence, including racial discrimination, whatever its effect, those persons are considered as accomplices and are liable to imprisonment for one to five years, in conformity with articles 59 and 60 of the Transitional Criminal Act of 1992.

74. The Royal Government seeks to prevent racial discrimination by all possible means. When through speech, chanting, threats, documents, pamphlets, placards or posters displayed in public or by any other means of audio-visual communication, the prosecutor finds that there has been incitement to racial discrimination, he starts legal proceedings and summons the defendants to court for trial, in conformity with article 61 of the Transitional Criminal Act:

> "1. Any person who, by one of the means enumerated in article 59, has instigated national, racial or religious hatred, constituting incitement to discrimination, hostility or violence, shall be punishable by imprisonment for one month to one year and/or a fine of 1 to 10 million riels.
>
> 2. In the event of a conviction for one of the acts covered in the foregoing paragraph, the court may further order its decision to be posted in places stipulated by it, at the expense of the convicted person or persons up to a maximum amount of 10 million riels. In connection with the offences covered by this article, the prosecution may also be set in motion by any association founded under the regulations laid down by the Supreme National Council, by lodging a complaint before the competent prosecutor and bringing criminal indemnification proceedings.
>
> 3. In all cases, the employer, printer, publisher, broadcaster or distributor shall be jointly liable for any damages that may be awarded to the victim or victims."

75. Khmer Rouge radio is constantly sowing hatred and calling on Cambodians to resort to violence in order to drive all Vietnamese out of the country.

The Royal Government is not indifferent to this situation: it has broadcast its reply on radio and television, unmasking the crime of genocide and war fever of the Khmer Rouge.

Prohibition of any organization instigating discrimination

76. Since Cambodia's accession to the two covenants in May 1992, many associations and organizations have been founded and have engaged in intensive activities aimed at making Cambodians aware of their rights and duties as citizens of a country with a pluralist liberal democracy. The associations and organizations must act in accordance with their statutes as deposited with the Ministry of the Interior and the provisions of the law, such as article 61 of the Transitional Criminal Act, which prohibits all propaganda or incitement to racial discrimination. Anyone violating these provisions is liable to prosecution.

77. The Khmer Rouge have committed racial discrimination, which has been considered to be a violation of the law. They were outlawed by legislation voted by the National Assembly on 7 July 1994.

Prohibition of incitement to discrimination by the public authorities

78. The public authorities and the citizens strictly obey the Constitution and the law. The Royal Government acts and governs society in accordance with the law and has created an appropriate organizational structure to ensure respect for the law, morality and national customs. The authorities at all levels must neither encourage nor incite discrimination, which is contrary to the Constitution and the law. If this prohibition is violated, those responsible are liable to the following penalties, depending on the seriousness of the act committed:

(a) Disciplinary penalties, under the Civil Service Statutes;

(b) The penalties laid down in the Transitional Criminal Act.

Article 5

79. In conformity with article 5 of the Convention, the Cambodian Constitution stipulates: "Citizens are equal before the law, enjoy the same rights and freedoms, and have the same duties, without distinction on grounds of race, colour, sex, language, religious belief, political opinion, national origin, social position, wealth or other status". This is the guarantee of the equality of all in the exercise and enjoyment of rights in various spheres.

Equality before the law

80. Article 38, paragraph 8, of the Constitution states: "Everyone has the right to defend himself in the courts", while, in the words of article 39, "All citizens have the right of denunciation and the right to lodge

complaints, or seek compensation for damage they have suffered. It is within the competence of the courts to settle complaints". This demonstrates that the Cambodian Constitution guarantees the equality of all before the law without any racial discrimination.

81. These legal principles are general in nature. All people residing in Cambodia, regardless of their nationality, have the right to defend themselves in the courts and to file a complaint so that justice may be done. The Cambodian courts are competent to rule on all proceedings instituted in Cambodia without distinction as to national or racial origin of the parties.

82. On 4 January 1995, the police in Phnom Penh arrested three Africans for drug trafficking. Following the investigation, the Phnom Penh court held a hearing on 31 July 1995. The three Africans, like the other defendants, had the right to legal counsel in court. The court recognizes and respects that right without any discrimination.

The right to security of person and protection by the State

83. The Constitution of the Kingdom of Cambodia guarantees security of person to all, as stipulated in article 32, paragraph 1 ("Everyone has the right to life, freedom and security of person"); article 38, paragraph 1 ("The law ensures the inviolability of the individual"); and article 38, paragraphs 3 and 4 ("No individual may be prosecuted, arrested or detained unless such action is authorized by law. Restraint, corporal punishment or any act that aggravates the penalty imposed on a detainee is prohibited. The perpetrators, co-perpetrators and accomplices of such acts shall be punished by law").

84. In accordance with these constitutional provisions, all persons residing in Cambodia have the right to security of person and protection by the State. The State also punishes any violation against other persons, irrespective of the status of the perpetrator of that act.

85. Despite this guarantee and legal protection, violations of security of person, such as looting, homicide and holding persons for ransom, have been committed, without distinction as to the victims' nationality. Irrespective of the status of the perpetrator and the nationality of the victims, the competent authorities always intervene to prevent violations and conduct inquiries in order to arrest and prosecute the suspects, in conformity with the law. On 19 August 1995, for example, a group of armed men who had held the director of the Naga Casino, a Malaysian, for ransom were arrested.

Political rights

86. The first part of article 35 of the Constitution stipulates: "Cambodian citizens of either sex have the right to participate actively in the political, social and cultural life of the country". This provision clearly shows that only Cambodians enjoy full political rights. This does not, however, constitute racial discrimination. It is a principle which determines national destiny, for which only Cambodian citizens are responsible.

87. According to article 34 of the Constitution, "Cambodian citizens of either sex who are at least 18 years of age have the right to vote. Cambodian citizens of either sex who are at least 25 years of age have the right to be candidates in elections." From 23 to 28 May 1993, 89.6 per cent of the 4.6 million Cambodian citizens registered to vote took part in the elections for representatives to the Constituent Assembly. The elections were universal, free, equal, direct and secret.

88. In addition to the right to vote and to stand for election, the right to hold a post in government or public service is enjoyed only by persons of Cambodian nationality. In principle, public service posts are awarded on the basis of a competitive examination, unless the Government decides otherwise (art. 13 of the Act establishing Civil Service Statutes). In practice, however, most public servants have entered the civil service without passing an examination. Following the 1993 elections, all civil servants and soldiers who were members of the various successful parties were brought together in a single entity.

Other civil rights

89. Right to freedom of movement and residence. Article 40, paragraph 1, of the Constitution states: "The right of citizens to travel freely, far or near, and to establish a legal domicile shall be respected." Under article 17 of the Immigration Act, "In principle, foreigners may travel freely within Cambodia. If considered necessary, however, the Minister of the Interior may prohibit foreigners, whether or not they are immigrants, from travelling, entering, settling in or leaving any region or place in the Kingdom."

90. Foreigners wishing to spend time in Cambodia must comply with certain legal requirements. Article 8 of the Immigration Act imposes the following conditions:

(a) Obtain prior authorization to enter the country from the Royal Government of Cambodia through its diplomatic or consular authorities or through foreign authorities representing its interests abroad;

(b) Carry passports or equivalent documents stamped with an entry visa by the above-mentioned authorities;

(c) Pay the visa fee and airport or port tax. The terms of payment are determined by sub-decree.

91. Right to leave and return to one's country. Article 40, paragraph 2, of the 1993 Constitution provides that citizens may settle abroad or return to their country. Foreigners wishing to reside in Cambodia must comply with articles 8 and 11 of the Immigration Act.

92. In principle, everyone has the right to settle abroad and to return to his or her country, without distinction as to race. Since 1993, some Cambodians have received authorization to settle abroad (United States, France, Australia), where they have relatives. There are also Cambodians who return to their country.

93. Illegal entry into, and exit from, Cambodia is prohibited, regardless of the nationality of the persons concerned. In July 1995, 465 foreigners - 455 Vietnamese and 10 Chinese - entered the country illegally. They were arrested and sent back across the border by the competent authority.

94. Cambodia signed the Convention and Protocol relating to the Status of Refugees on 15 October 1992. Under the Convention, 75 refugees received authorization to come and live in Cambodia in 1994 through the Office of the United Nations High Commissioner for Refugees (UNHCR). Pursuant to the Paris agreement of 23 October 1991, some 370,000 Cambodian refugees have been repatriated.

95. Concerning the Vietnamese, the Government is authorizing the return only of those possessing proof of residence in Cambodia prior to 1975. The status of those who settled in the country after 1979 and who have returned to Vietnam is currently under consideration.

96. Right to nationality. The Nationality Act will be voted on shortly in the National Assembly. Article 33 of the 1993 Constitution states that "Cambodian citizens may not be deprived of their nationality. The acquisition of Cambodian nationality is determined by law". In practice, there are no stateless persons in Cambodia, as the authority competent to compile population statistics receives a declaration of nationality from each person, which will appear on his or her identity cards. In the large cities and towns, the register office records the birth and nationality of children.

97. To guarantee this right, the Royal Government has taken the following steps:

(a) The Ministry of the Interior has reviewed the population statistics in order to issue identity cards to genuine Cambodian citizens;

(b) The Government has submitted the Nationality Bill to the National Assembly;

(c) The Ministry of the Interior has given instructions to the competent authorities to record births and issue birth certificates.

98. The right to marriage and choice of spouse. Article 45, paragraph 3, of the 1993 Constitution states: "Men and women are equal in all respects, particularly in marriage and family matters. Marriage shall be effected in accordance with the law and based on the principle of mutual consent and monogamy".

99. Article 2 of the 1989 Marriage and Family Act provides that early marriages, forced marriages and any obstacle to freedom of marriage are strictly prohibited, while under article 4 intending spouses who meet the legal conditions have the unrestricted right to decide to marry. Neither party may impose his or her will on the other.

100. In principle, choice of spouse and marriage are individual rights of every person, without distinction as to race. The choice must be free of all constraint. All persons, regardless of their nationality, are free to choose

their spouse and marry freely, in keeping with their customs and in accordance with the 1989 Marriage and Family Act, of which article 5 lays down the age conditions, article 6 deals with physical fitness, and articles 7 and 8 determine the legal relationship between the spouses.

101. In practice, there are few inter-ethnic marriages. This is not the result of racial discrimination but of different mores and customs. No specific law is involved; Khmer and Chinese marry easily. There are also mixed marriages between Cambodians and foreigners, including French people, Australians and Russians. Such marriages are governed by article 80 of the Marriage and Family Act, under which "Marriage between Cambodian citizens and foreigners in Cambodia shall be in conformity with Cambodian law".

102. Right to own property individually and jointly. Article 44 of the 1993 Constitution states: "All natural or legal persons have the right to own property. Only natural or legal persons of Cambodian nationality have the right to own land. The right to own private property is protected by law. This right may be withheld from any individual only if it is in the public interest as stipulated by law, and provided that that individual receives fair compensation in advance."

103. The right to own property individually and jointly is protected and guaranteed by the 1993 Constitution, without any racial discrimination. Every individual and every community has an unrestricted right to own property, i.e., to possess and use an object, to enjoy the proceeds therefrom and to dispose of it. No one may be deprived of this right, as laid down in article 20 of the 1992 Land Act, which states: "No person may be compelled to transfer his property unless it is in the public interest to do so and unless he receives fair and equitable remuneration in advance".

104. In practice, the competent department issues land and home ownership permits to citizens. The same applies to motor vehicles.

105. Right of succession. There is as yet no law regulating succession. In practice, however, every person has an unrestricted right of succession. Cambodian parents have always given property to their children after marriage to serve as capital. Succession is established through an oral will; in other words, at some point during their lifetime parents bring their children together and apportion their goods among them, according to their own wishes.

106. Although there is as yet no law on succession, article 2 of the Land Act states: "Cambodian citizens have an unrestricted right to own and use land and to inherit a plot of land granted by the State to build and furnish a house". The right to inherit land is thus protected by law.

107. Freedom of thought, conscience and belief. Freedom of thought and conscience is not yet specifically regulated, although no law prohibits it. Under article 38, paragraph 5, of the 1993 Constitution, "No confession obtained through physical or mental constraint may be admitted as evidence of guilt".

108. There has been no prosecution for the expression of thought and conscience in the newspapers; many editorials and commentaries reflect their

authors' thoughts and conscience. However, the expression of opinion and of conscience may be called into question if it violates the law or injures another person's honour or dignity. Article 38, paragraph 2, of the 1993 Constitution states: "The law protects the life, honour and dignity of citizens".

109. Article 28, paragraph 1, of the Transitional Criminal Act proclaims that "No person may be harassed because of his political opinions, religious beliefs or membership of a given race or ethnic group". The expression of one's political opinion is therefore protected by law; in other words, everyone is entitled to hold a political opinion without distinction as to race. It should be noted that, following the 1993 elections, no one was prosecuted for expressing a political opinion.

110. Freedom of religious belief is guaranteed and protected by article 43 of the 1993 Constitution, which states: "Citizens of both sexes enjoy freedom of belief ...". Freedom of belief and religious practice must be guaranteed by the State under conditions which do not jeopardize other religions or public order and security. Buddhism is the State religion.

111. Every person in Cambodia fully enjoys freedom of religion, without any distinction as to race. In Cambodia, 97.5 per cent of citizens are Buddhists, with 3,336 pagodas and 39,342 bonzes; there are 330 mosques, with 221,753 members; 9 Catholic churches, with 1,430 members; 11 Protestant churches, with 13,064 members; 1 Caodaist church, with 100 members; and 32 Chinese churches of various religions, with 12,200 members.

112. Freedom of opinion and expression. In the word of article 41, paragraph 1, of the 1993 Constitution, "Every citizen is free to express his personal opinion, and enjoys freedom of the press, publication and assembly". Article 28, paragraph 1, of the Transitional Criminal Act stipulates: "No person may be harassed because of his political opinions, his religious beliefs or his membership of a given race or ethnic group". Freedom of the press is guaranteed by the 1995 Press Act.

113. Pursuant to the above-mentioned provisions, every individual, without distinction as to race, has an unrestricted right to freedom of opinion and expression. The expression of opinion is encouraged in all its forms and through all media. There are some 40 newspapers and magazines in the Khmer, French, English and Chinese languages, and 5 radio stations and 3 television stations, broadcasting widely; 3 other television stations are in the process of being set up.

114. Freedom of peaceful assembly and association. Freedom of assembly is guaranteed by article 41, paragraph 1, of the 1993 Constitution, which states: "Every citizen is free to express his personal opinion, and enjoys freedom of the press, publication and assembly"; article 37 stipulates: "The right to strike and to organize non-violent demonstrations shall be exercised within the framework of the law". The 1991 Demonstration Act is still in force.

115. In principle, everyone, whatever his ethnic group, has an unrestricted right to freedom of assembly. The 1991 Demonstration Act authorizes groups to meet and gather in order to demonstrate, provided that they pose no threat to

public order and national security. Article 1 of this Act states: "Meetings of groups and gatherings in order to demonstrate are authorized. However, marching through public squares or streets and gatherings or parades which constitute demonstrations liable to constitute a breach of the peace or public order or safety are prohibited".

116. Recently, citizens from the provinces and the city of Phnom Penh have gathered in front of the National Assembly and the residences of the First and Second Prime Ministers on several occasions. On 23 October 1995, a group of demonstrators vandalized the office of the newspaper La Liberté Nouvelle, and injured the employees working there. This act was in violation of the law, which prohibits the use of violence. Article 2 of the Demonstration Act states:

> "Large-scale marches through the streets for the purpose of expressing an opinion concerning any problem are permitted only under the following conditions:
>
> 1. They shall be non-violent and participants may not carry weapons or other dangerous objects;
>
> 2. They shall pose no threat to public peace, order or safety;
>
> 3. A request shall be submitted to the authorities of the commune or neighbourhood where the demonstration is to take place at least three days in advance. This request shall specify the name, address and signature of three organizers, purpose of the demonstration, date, place, street and number of participants".

117. In Cambodia, there is not yet any law governing the establishment of associations. Article 42 (1) of the Constitution states: "Citizens have the right to form associations and political parties. This right shall be regulated by law". Article 36 of the Act establishing the Civil Service Statutes of 21 October 1994 states: "Civil servants have the right to be members or officials of a legal association". Article 272 of the 1992 Labour Act states: "Salaried employees and workers have the same right to establish professional associations...".

118. In principle, citizens, civil servants, manual and non-manual workers, and employers, without distinction on grounds of race, have an unrestricted right to establish, join and leave associations. These rights are also guaranteed to foreigners. Although there is as yet no law regulating their establishment, a very large number of associations have been formed since the 1993 elections:

(a) Associations: 182, of which 104 are recognized and 78 unrecognized;

(b) Religious associations: 224, of which 63 are recognized and 161 unrecognized;

(c) Clubs: 2, both unrecognized;

(d) Branches of associations: 100, of which 89 are recognized and 11 unrecognized.

119. Whether such organizations are recognized or unrecognized, the Royal Government has not banned their activities. For example, the Vietnamese Association is not recognized because its representative has not compiled or deposited the file on its establishment with the Ministry of the Interior. However, it continues to function because it has not been banned by the competent authority.

Economic, social and cultural rights

120. Article 35 of the 1993 Constitution states:

> "Citizens of either sex have the right to participate actively in the political, economic, social and cultural life of the country.
>
> Any suggestions from the people shall be given full consideration by State bodies".

Through this article, the Cambodian Constitution guarantees the economic, social and cultural rights of all citizens, without distinction on grounds of race.

121. Right to work and to free choice of employment. Article 36 (1) of the 1993 Constitution states: "Cambodian citizens of either sex have the right to choose any employment appropriate to their abilities and to the needs of society". This shows that everyone living in Cambodia, whatever his ethnic origins, is completely free to choose employment appropriate to his abilities and to the needs of society.

122. In Cambodia today, Cambodians, whatever their ethnic origin, and foreigners work in jobs suited to their abilities. Most Vietnamese work in the field of construction or machine repair. They receive the same remuneration as Cambodians doing the same work. This right is also protected and guaranteed by article 36 (2) of the 1993 Constitution, which states: "Citizens of either sex have the right to receive equal pay for equal work". Not only do they receive equal pay for equal work, but that remuneration must be fair and decent. An unskilled labourer, for example, receives a minimum of 4,000-5,000 riels per day.

123. Although foreigners are free to choose employment appropriate to their opportunities and abilities, most of them are unemployed. For example, the unemployment rate was 2.5 per cent in 1993-1994. In order to solve the employment problem, the Royal Government has launched appeals and has opened the field of investments to foreigners. It has also signed Sub-Decree No. 57 of 31 July 1995 on the export of Cambodian labour.

124. Right to form and join trade unions. Article 36 (5) of the 1993 Constitution states: "Citizens of either sex have the right to form and join

trade unions. The organization and functioning of trade unions shall be governed by law". However, Cambodia currently has no law on the formation of trade unions and has not yet acceded to the Convention concerning Freedom of Association and Protection of the Right to Organize.

125. Under the State of Cambodia regime, trade unions were established from the central down to the local level. In factories, companies, schools and hospitals, there were trade unions responsible for protecting the interests of their members. Since 1993, the trade unions have disappeared and, at present, there are none, even in factories and companies where they are needed.

126. The Ministry of Social Action, Labour and Former Servicemen is in the process of drafting a labour code which covers the establishment of trade unions.

127. Right to housing. The 1993 Constitution guarantees citizens the right to housing without distinction on grounds of race:

(a) Article 36 (4): "Citizens of either sex have the right to social security and other social benefits established by law";

(b) Article 40 (1): "The right of citizens to travel freely, far or near and to establish a legal domicile shall be respected".

128. Pursuant to the provisions of the Constitution, citizens are free to establish their domicile. However, some citizens in both cities and rural areas, do not yet have decent housing as a result of their very low income and the Royal Government's limited ability to assist all needy citizens.

129. The consequences of war, natural disasters such as drought and floods, and regional insecurity have caused an exodus from rural areas and raised serious and insoluble problems. In Phnom Penh, there is much haphazard, disorganized construction. Vagrants and homeless persons spend the night on the pavements, in public squares or under trees.

130. The Royal Government has set up a joint committee to solve the vagrant problem by building temporary housing for them and requiring them to return to their native villages or to move to the developed areas established by the Royal Government. Some NGOs have in turn set up temporary shelters. However, the problem has not been completely solved.

131. Right to public health. With regard to public health, article 72 of the Cambodian Constitution states: "The health of the people shall be guaranteed. The State shall be responsible for disease prevention and medical treatment. Needy citizens shall be entitled to free medical consultations. The State shall establish infirmaries and maternity wards in the outlying regions".

132. Since 1983, the State has been responsible for the establishment and funding of public hospitals at the national, provincial, district and communal levels. In order to guarantee and improve public health, the Royal Government has organized the national health system by setting up 2 training schools, 9 institutes, 1 pharmaceutical factory and 8 hospitals with a total

of 1,866 beds. There are 21 health centres and clinics and 26 hospitals with a total of 4,090 beds at the provincial level, 164 hospitals with 3,935 beds at the district level and 1,267 infirmaries at the communal level.

133. Citizens have the right to receive social security assistance and social benefits. The Cambodian Constitution stipulates:

(a) "The State shall provide care for mothers and children. The State shall establish maternity wards and nurseries and shall assist women who have many children and are without support" (art. 73);

(b) "The State shall establish a social security system for manual and non-manual workers" (art. 75).

134. In practice, the State has implemented social security and social assistance policy as follows:

(a) Monthly pensions have been provided to 8,328 retired civil servants and 4,215 disabled persons;

(b) Orphaned children of civil servants and servicemen have received monthly benefits until the age of 15 and, if they were still in school, until they completed their education. To date, there have been 14,116 persons in this category;

(c) Disabled servicemen receive pensions according to the extent of their disability. To date, there have been 17,581 persons in this category;

(d) Monthly payments have been made to 92,494 children of servicemen killed in action, under the same conditions of age and schooling as orphans of civil servants;

(e) Orphans without support, older persons and invalids are provided with housing, food and care at 21 State-run and 8 NGO-run shelters which care for 2,567 and 311 persons respectively;

(f) After a period spent in shelters where they received an education with State and NGO assistance, 280 vagrants have returned to their native villages.

135. Right to education and training. The Cambodian Constitution states:

(a) "The State and society shall provide opportunities to women, especially those living in outlying areas without adequate support, so that they may find employment, support themselves and enjoy decent living conditions" (art. 46 (3));

(b) "The State shall protect and uphold the right of citizens to a high standard of education at all levels and shall gradually take all necessary measures to ensure that such an education is available to all citizens" (art. 65 (1));

(c) "The State shall establish a comprehensive, standardized system of education throughout the country in order to guarantee the principle of educational freedom and equality for all and ensure that all citizens have equal educational opportunities" (art. 66);

(d) "The State shall provide primary and secondary education to all citizens at no cost" (art. 68 (1));

(e) "Citizens shall attend school for at least nine years" (art. 68 (2)).

136. Council of State Decree-Law No. 30 of 20 November 1986 on the general education system stipulates that:

(a) "Primary schools shall be responsible for admitting children from the age of 6 and encouraging them to complete their schooling" (art. 3);

(b) "First-level secondary schools shall be responsible for training students so that, after completing their schooling, they can practise an occupation, participate in production or continue their studies in second-level secondary schools (general education) technical secondary schools or vocational training schools";

(c) "Second-level secondary schools shall be responsible for training students who have completed the first level of secondary studies in order to provide them with a level of knowledge and ability corresponding to the scientific and technical diploma provided for in the upper-level State training programme" (art. 5).

137. Council of Ministers decision No. 181 of 20 December 1990 on the principle of vocational training, retraining and job placement for disabled persons states: "Institutions of general education and technical training and certification schools shall admit disabled persons subject to their ability and aptitude" (art. 8).

138. In principle, general education in Cambodia is available at no cost. Schools admit students without distinction on grounds of race, sex or religious belief. During the 1993-1994 academic year, 83 per cent of students were over the age of six; 44.83 per cent of those students were girls. There were 285,779 students at the first and second levels of education. Although there has been continuous progress in the field of education, the Royal Government is faced with a shortage of classrooms; there are only 15,000 in the entire Kingdom. Because of this shortage, the educational curriculum has been divided into half-time sessions. Another consequence is classroom overcrowding, particularly in cities, where there is 1 teacher for every 80 students. There is a lack of educational and teaching materials, and teachers' living standards are too low.

139. In addition to general education, the Royal Government has promoted adult education and established extra-curricular education programmes in order to combat illiteracy and assist students who have left school or are unable to

study in institutions of general education. During the 1993-1994 academic year, there were 109 such classes and 20,842 illiterate persons. Supplemental schools, which function outside working hours, had 21,822 enrolled students, 10,466 of them at the first level and 11,356 at the second level of secondary education.

140. The State has also authorized the establishment of a number of private schools, including 1 where tuition is provided in Vietnamese, 11 where it is provided in Chinese and 2 where it is provided in Khmer. Tuition fees in private foreign-language schools are higher than those of national-language schools.

141. Members of ethnic minorities complete only the first level of secondary school because they do not wish to travel far from their villages of birth.

142. Right to participation in cultural activities. The 1993 Constitution of Cambodia states: "Citizens of either sex have the right to participate actively in the political, economic, social and cultural life of the country" (art. 35). The State has the obligation to preserve and develop the national culture (art. 69).

143. Cambodia is a country rich in historic sites and ancient monuments which constitute the heart of the national culture. However, many Cambodians, particularly children, know nothing about them.

144. The Royal Government launches appeals encouraging all citizens to participate actively in the protection and development of the national culture in accordance with the country's progress. Methods used include radio, television, textbooks and magazines.

145. The religious beliefs, morals and customs of ethnic minorities are respected.

146. Right of access to any place or service intended for use by the general public. In Cambodia, citizens have the right of access to, and use of, public places and services such as transport, hotels, restaurants, theatres and parks. However, this right must be exercised in accordance with law and custom and must not infringe upon the rights of others or damage public or private property. Article 31 of the 1993 Constitution states: "The exercise of personal rights and freedoms by individuals shall not infringe upon the rights and freedoms of others. The exercise of these rights shall be the subject of a law".

Article 6

147. The Cambodian courts base their rulings on the principle that citizens are equal before the law without distinction on grounds of race, religion or social status, as stipulated in article 31 of the 1993 Constitution and article 64 of the 1993 Criminal Procedure Act. Article 31 of the Constitution recognizes and respects the Universal Declaration of Human Rights and the international covenants and conventions.

148. The purpose of the International Convention on the Elimination of All Forms of Racial Discrimination is to encourage universal respect for human rights without distinction on grounds of race, sex, language or religious belief.

149. Discrimination is always accompanied by other infractions which jeopardize the assets of the victims. The law grants the State and local police, the prosecutor's office and the courts competence to investigate, prosecute and try the guilty parties.

150. The judicial police investigate offences of all kinds (Criminal Procedure Act, art. 35). Offences committed by members of the armed forces fall within the competence of the local police.

151. Anyone, without distinction on grounds of nationality or race, may be assisted by a lawyer or a representative in an action for damages. All inhabitants of Cambodia, without distinction on grounds of race, nationality, religion, sex or social status, are subject to the public right of action, the purpose of which is to punish, through penalties provided for by the law in force, any act which poses a threat to public order and security. Thus, the public right of action is intended to prevent repetition of offences and to subject the guilty to the penalties provided for by law.

152. Incitement to discrimination, by any means whatever, is punishable under article 61 of the Transitional Criminal Act. Incitement to commit an offence is punishable under articles 59 and 60 of that Act. The court must impose sentences, but also hand down a decision on the compensation to be provided to victims under the Criminal Procedure Act of 1993.

153. After receiving a victim's complaint of racial discrimination, the judicial police must forward the file to the prosecutor in order to initiate proceedings. Article 47 of the Criminal Procedure Act prohibits the judicial police from dismissing criminal cases, even if the parties settle out of court.

154. A victim or claimant may bring a criminal indemnity action simultaneously with a public prosecution, as stipulated under article 9 of the 1993 Criminal Procedure Act, which reads: "A party who considers that he has suffered injury as a result of an offence may intervene in the prosecution in order to claim damages. The object of the criminal indemnity action is to obtain compensation for the damage caused by the offence. Only the victims of an offence, their guardians or their legal representatives may bring a criminal indemnity action".

155. Provincial courts are responsible for trying persons suspected of committing offences. In so doing, they participate in the defence of public order, public property, lives and the legitimate rights of citizens and render justice to the victims of discrimination and other infractions.

156. Article 39 of the Constitution states: "All citizens have the right to report, lodge complaints of or claim compensation for damage incurred as a

result of illegal acts committed by State agencies, social organizations or officials in the service thereof. The courts shall have jurisdiction over complaints and compensation proceedings". And article 109 states: "The judiciary shall have jurisdiction in all legal proceedings, including administrative actions".

157. Serious difficulties arise at the stage of enforcement of decisions in civil cases as a result of limited understanding of the law on the part of both citizens and the representatives of the competent authorities. In some cases, the authorities have to use force in order to quell armed resistance by the losing parties, who refuse to accept the court's decision, and the successful parties have to pay a sum of money in order to encourage those responsible for implementation of the decision to carry out this task.

158. Recently, there have been frequent disputes between the provincial authorities, the prosecutors and the courts owing to their ignorance of the limits of their jurisdiction. In order to solve this problem, the Ministries of Justice and the Interior have issued a joint circular, No. 204 of 2 March 1995, on jurisdiction and cooperation of governors with judges and prosecutors.

Article 7

159. Article 31 of the Constitution states: "Cambodia recognizes and respects human rights as defined in the Charter of the United Nations, in the Universal Declaration of Human Rights, and in all treaties and conventions concerning human rights, including the rights of women and children". Cambodia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 4 November 1983. In accordance with article 31 of the Constitution and article 7 of the Convention, Cambodia has taken the following implementation measures.

In the field of education

160. In order to ensure that all citizens fully understand the international principles of human rights, the Ministry of Education, Youth and Sports has decided to include them in the primary and secondary school curricula. The United Nations Centre for Human Rights, in cooperation with the Cambodian Human Rights Institute, is dealing with curriculum organization from first to eleventh grade. The Institute has also opened the technical and teacher training programme to primary and secondary school teachers. NGOs and the Khmer Institute for Democracy have given courses to teachers from 60 primary and secondary schools. With the help of the Centre for Human Rights, UNESCO is preparing a social studies programme to be included in the secondary school curriculum.

161. At the same time, the Centre for Human Rights Office in Cambodia has organized human rights courses for civil servants and, in particular, training courses for trainers in the Ministry of the Interior and in the provinces. A number of NGOs working in the field of human rights have also organized courses for citizens in the provinces and the large cities.

In the field of culture

162. Article 69 (1) of the Constitution stipulates: "The State has the obligation to preserve and develop the national culture". On the basis of these principles, solemn celebrations of all national, traditional and religious holidays such as New Year's Day, the Water Festival and the Day of the Dead are held each year. Human Rights Day, 10 December, is also celebrated each year and is a holiday for civil servants. On 10 December 1994, NGOs organized a solemn celebration of Human Rights Day at the sports complex, which the two Prime Ministers attended and in which large numbers of civil servants, citizens and children participated.

163. Cambodia is also committed to guaranteeing and respecting the mores and customs of all inhabitants of Cambodia. The Moon Greeting and Tet festivals are freely and solemnly celebrated throughout the country.

164. In the field of culture, the Royal Government has sent Khmer artists to perform in the United States, France, Canada, Thailand and Australia and has authorized foreign (e.g. Thai, Vietnamese, French and Chinese) groups to perform in Cambodia. Many Cambodians attend these performances.

165. Publicity. In order to ensure proper implementation of the international human rights instruments which Cambodia has ratified, the Royal Government has publicized them very widely throughout the Kingdom. The Ministry of Justice has translated the Universal Declaration of Human Rights into Khmer and publicized it widely. The Centre for Human Rights and most NGOs have also widely distributed human rights brochures in the Khmer language.

166. Radio and television stations have programmes which broadcast information on human rights. Teaching programmes on foreign languages, such as English and French, have also been organized. Knowledge of culture and foreign and ethnic civilizations is also disseminated through radio and television broadcasts and newspaper articles.

167. The teaching and broadening of culture and the dissemination of information on human rights have made it possible for Cambodian citizens to gain a better knowledge of human rights and national diversity throughout the world. As a result, Cambodians have been able to maintain good relations with foreigners and combat racial discrimination.

List of annexes*

Annex 1 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict

Annex 2 1993 Constitution of the Kingdom of Cambodia

Annex 3 Legislation on the judicial system, criminal law and criminal procedure in force during the transitional period in Cambodia

Annex 4 Law concerning "The Demonstration" (English original)

Annex 5 Press Act

Annex 6 Marriage and Family Act

Annex 7 Criminal Procedure Act

Annex 8 Immigration Act (English original)

Annex 9 Act establishing the Civil Service Statutes of the Kingdom of Cambodia

Annex 10 Law on the Outlawing of the "Democratic Kamuchea" Group (English original)

Annex 11 Land Law (English original)

Annex 12 Law of Criminal Procedure (English Original)

Annex 13 "Letter No. 412 SPN. MP, Ministry of the Interior", on storage in the Ministry of the Interior of all relevant documents and statutes of associations (English original)

Annex 14 Proposal for preparation of a report on the activities of clubs and other associations in the provinces and municipalities (Decision No. 486 SS. MP, Ministry of the Interior) (English original)

Annex 15 Press communiqué (English original)

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* Available for consultation in the Centre for Human Rights.